

shaped and wallet sized.

29) The communication apparatus of claim 28 wherein said machine readable data comprises means for reconfiguring electronic and mechanical devices to transmit data revealing the location of said telecommunication device to said recipients .

30) The communication apparatus of claim 29 wherein is disposed in additional human readable data the identity of a person other than the user, who is at least one intended recipient of said machine readable data to be transmitted upon use of said communication apparatus.

31) The communication apparatus of claim 30 to which said communication apparatus is affixed means for attaching said apparatus to another object.

#### Remarks ---- General

Applicant has rewritten all claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentably over prior art.

The specification has been amended editorially and to correct those objectionable hyperlinks noted in the First Office Action. The Information Disclosure Statement contains information showing those hyperlinks and the source of those non-patent references, so that there is no new matter.

Most other specification amendments above were made to correct typographical errors or mislabeled mentions of patent references; each of the

patent references corrected were noted in the original Information Disclosure Statement so that there is no new matter.

The sole specification amendment made to clarify amendments in the claims was on page 23, line 10, where the amendment deleted the reference to having the substrate "pierced by an aperature", so that the remaining specification is to the ability to have the substrate "suspended in full public view." Please refer to the remarks regarding amended claim 31.

**Remarks below are numbered to refer to the comments in the Detailed Action of the First Office Action:**

3. The Office Action rejects Claims 1 and 6 (amended Claims 21 and 25) as being anticipated by Ref. A (Clapper, US 2002/0080941 A1). Applicant respectfully traverses the rejection under sections 102 and 103. Applicant's traverse notwithstanding, independent claim 1 and dependent claim 6 have been amended and renumbered as claims 21 and 25, to more particularly point out and distinctly claim inventions in the present application.

Clapper shows an apparatus comprising a substrate bearing machine readable data and human readable data; and a method whereby certain features of a calling phone are disabled and a programmed destination phone is dialed.

Applicant's Claim 1, amended as Claim 21, recites an apparatus comprising a substrate bearing machine readable data and human readable data, said human readable data comprising full disclosure of all said machine readable data upon or within said substrate. The definition and function of full disclosure is on p. 2, lines 16 – 24 of Applicant's specification. Support for amended Claim 21 is found

in Applicant's specification in numerous locations, including p. 13, line 9; p. 17, line 2; and p. 23, line 9, and for that reason does not constitute new matter. Claim 3 has been cancelled in light of coverage afforded by the remaining claims.

5 **Clapper Does Not Fully Disclose Machine Readable Data**

The language of Applicant's amended Claim 21 distinguishes over Clapper under Section 102 because Clapper does not teach that his substrate has a full disclosure, in human readable data, of all machine readable data in or upon said  
10 substrate. Clapper teaches that a fixed message "may be printed on the face of the card" or that "some or all of the predefined messages may be printed on the card." (Clapper, para. 36, lines 2 and 7). However, no option is provided for other items in Fig. 5 (message card 100) to be printed or otherwise disclosed in human readable data. Those other items comprise the message card serial  
15 number, the destination specifier, the encoded PIN, and the monetary value.

These distinctions are submitted to be of patentable merit under Section 103 for the following reasons. A full disclosure of all machine readable data in human readable data on the substrate provides the unexpected result that the full  
20 function of the Applicant's apparatus can be executed by possession of any number of photocopies of the disclosed machine readable data, and because third parties not assigned as users may execute the functions of the apparatus without need for further serial numbers or PIN numbers. (see Applicant specification, page 25 line 23; page 23, lines 12-14).

25

These distinctions also show an omission of a key element that is in Clapper's apparatus, being an encrypted or encoded serial number of PIN. Clapper makes necessary the use of a serial number or PIN when "possession of the card is not sufficient" (Clapper, para, 35, line 11). Note that possession of Clapper's card

signifies possession of encrypted data upon the card. Yet since any number of copies of the human readable data may execute all functions of the Applicant's apparatus, then an unlimited number of third parties may use the apparatus to transmit the machine readable data from more than one location and at various times. (see Applicant specification, page 25 line 23; page 23, lines 12-14). Thus, by omission of a key element Applicant's apparatus also solves a different problem, in permitting institutions to distribute copies of a single apparatus for various members to effectively utilize.

Full disclosure of the machine readable data is a contrarian invention in that all teachings, in Clapper and elsewhere, require either use of PIN numbers or other security codes, or physical possession of a single card with encrypted machine readable data, to execute the function of the machine readable data. (see Applicant's specification, p. 24, line 17; p. 26, line 12). In general, the current trend is to increase encryption and security, especially where monetary loss of phone calling card units is possible if third persons decode machine readable data. (See IDS non-patent literature item 6, from Time magazine.)

Full disclosure provides an unappreciated advantage which arises when holders of credit cards or other data bearing substrates must provide same to third parties such as clerks. The fear of fraudulent copying restricts free provision of cards to such unknown persons. A full disclosure assures the holder of Applicant's apparatus that the maker has no private data on the apparatus and allows full confidence that anyone may safely issue execute the machine readable data. Full disclosure functions as an express waiver of confidentiality or privacy. Thus, as in an emergency, an injured holder of Applicant's apparatus will freely relinquish the apparatus to let a third person conveniently and quickly summon proper assistance. To date, the advantage from release of such data has not been appreciated as it has not occurred, due to the fears noted above.

Therefore, Applicant submits that Claim 21 is allowable over the cited reference and solicits reconsideration and allowance.

5 Claim 6, now amended as Claim 25, recites the communication apparatus of Claim 21, whereby at least a portion of the fully disclosed machine readable data comprises means for executing communication, through a standard credit or debit card reading device, to a destination communication device. The amendment to Claim 25 is the addition of the word "card" which only clarifies the  
10 meaning of original claim 6. Support for amended claim 25 is found in Applicant's specification in numerous locations, including p. 14, line 11 and p. 16, line 9, and for that reason does not constitute new matter.

#### **Clapper Does Not Disclose Data That Execute Apparatus Functions**

15

The language in Claim 25 distinguishes over Clapper under Section 102 because Clapper does not teach that the machine readable data that executes the connection to the destination phone is fully disclosed in human readable data. Clapper does not teach that all the machine readable data on message  
20 card (100), Fig. 5, is fully disclosed. The portion of machine readable data, or memory (Clapper, para. 34, line 3) denominated as the "destination specifier" and the "message card serial number", which execute the functions on the calling and destination telephones are not disclosed in human readable data. Therefore, the data that executes the function of Clapper's apparatus does not  
25 comprise machine readable data that is fully disclosed in human readable data.

Moreover, Applicant's Claim 25 specifies that machine readable data in the apparatus reconfigures a "standard point of sale credit or debit card reading devices." Clapper specifies the need to begin communicating when "the user

might phone the destination phone or the customer ID" (Clapper, para. 33, line 5); or with the "user initiating a call (110)" (Clapper, para. 35, line 4). User is utilized by Clapper to refer to the single person to whom the card is assigned as is implied by PINs, serial numbers, or possession of the card being necessary for its use. Clapper's card user would control the telephone used. However, a point of sale credit or debit card reader would generally be in control of a third party such as a retail store clerk. It does not seem Clapper teaches use of the card in Ref. A as being within control of a third party, so that he teaches away from uses that read on Applicant's claim 25 limitation on the communication devices that are reconfigured.

These distinctions are submitted to be of patentable merit under Sec. 103 for the following reasons. Applicant's apparatus provides a new principle of operation in that the functions of the apparatus may be executed by third parties who know only what is disclosed upon the apparatus. Applicant's apparatus provides an unexpected result in that it can be used by swiping in a standard credit card reader tied to a banking or debit card communication system by persons to whom it is not assigned by the maker, yet at the same time help and not harm the interests of the holder to whom it was assigned. In addition, please review the reasons recited above in regard to the discussion of Sec. 103 and claim 21, since claim 25 is dependent upon claim 21.

Therefore, applicant submits that claim 25 is allowable over the cited reference and solicits reconsideration and allowance.

4. No comment appears to be required.

5. The Office Action rejects claims 2 – 5, 7 – 19, under Section 103(a) as being unpatentable over Clapper in view of Kim (US, 6,269,158 B1). Applicant

respectfully traverses the rejections under sections 102 and 103. Applicant's traverse notwithstanding, original claims have been amended or renumbered as claims 22, 23, 24, 26, 27, 28, 29, 30 and 31, to more particularly point out and distinctly claim inventions in the present application.

5

Reference B, Kim (US, 6,269,158 B1), shows an apparatus comprising a card unit system combining a postal card and a detachable or enclosed phone calling card. Kim's Fig. 2 describes one embodiment, one side of which (Fig. 2-D; col. 4, lines 10-13) bears printed instructions for use of the enclosed phone calling card.

10

The combination of Clapper's card with Kim's instructions is submitted to be improper because neither Clapper nor Kim suggest such a combination, and one skilled in the art would have no reason to make such a combination, for the below reasons. It is well known that in order for any prior art references themselves to be combined for use in a prior art Sec. 103 rejection, the references themselves (or some other prior art) must suggest that they be combined. E.g., as was stated in In re Sernaker, 217 U.S.P.Q. 1, 6 (C.A.F.C. 1983):

15

20

"[P]rior art references in combination do not make an invention obvious unless something in the prior art references suggest the advantage to be derived from combining their teachings."

25

Applicant's claimed features are lacking in that even if combined the references do not suggest that Applicant's claimed elements, such as a single substrate with full disclosure in human readable data of all machine readable data on the same substrate. In addition, the security features in Kim and Clapper would not make such a combination desirable, as full disclosure waives or disables all security and privacy.

### **Instructions to Use Card Would Defeat Clapper's and Kim's Security Features**

5 Clapper, Fig. 5, specifies a card with a Serial Number and Encoded PIN to "prevent fraud" (Clapper, para. 34, line 5) and that acts as a "security mechanism" (para. 34, line 21). Clapper does not describe any use of the message card by third parties who were not previously authorized as users. Therefore instructions, such as those claimed by Applicant, for use of Clapper's  
10 message card would defeat the security provisions by allowing fraudulent or unauthorized use of the stored value of the card by persons other than the use to whom the card is assigned.

The construction of Kim's card unit system, seen in Fig. 2 (Reference B, US, 6,269,158 B1), similarly provides security functions for the data that executes the  
15 function of the phone card, since the instructions (Fig. 2-D, 29) are not on the same substrate as the phone card (Fig. 2-C). The instructions are on the exterior substrate that disguises the interior phone card substrate. Thus, the instructions at Fig. 2-D, 29 cannot appear with the "toll free telephone number, account or pin  
20 number and/or customer service number 26, and an account or pin number" (Kim, col. 4, lines 6-9) upon the phone card substrate. All instructions described by Kim are separated from the card sized portion of the mailing unit and are disguised from view by any persons other than the intended recipient. If Kim did teach placement of human readable data with the instructions on the publicly  
25 viewable exterior substrate Fig. 2-D, then any person handling said apparatus, before receipt of same by the designated recipient, could use the calling credit. Disclosure of 26 and 27 to others would defeat the purpose of Kim's apparatus., which is to prevent misappropriation of calling credits (Kim, col. 2, line 50),



preserve privacy of data on the apparatus (Kim, col. 2, line 26) and preserve confidentiality (Kim, col. 2, line 36).

For those reasons it can be seen that both References A and B teach away  
5 from the suggested combination, and even if combined the instructions on a phone card would make inoperative the security functions of the two references, and so the combination is not desirable.

Claim 3 has been incorporated into amended claim 21. Amended claim 2 and  
10 claims 4 and 5 are now renumbered as claims 22, 23 and 24 and are directly or indirectly dependent upon claim 21. Applicant's original claim 7 has been amended as claim 26, with the preamble additionally reciting that a plurality of facsimiles of human readable data may be made of the apparatus, whereby the machine readable data can be executed. This amendment is supported by  
15 Applicant's specification at p. 25, lines 23 – 25 and thus is not new matter. Applicant's original claims 8 and 9 have been renumbered as claims 27 and 28 and are dependent upon amended claim 26 and so share the distinctions and reasons for patentability over Kim and Clapper as described below for claims 21, 22, 23 and 24.

20 Applicant's amended claims 21 - 28 distinguish from any such combination, under Sec. 102, because a combination of Kim and Clapper still would not show upon the same substrate "directions for use" of the communication apparatus, and still would not have a "full disclosure of all said machine readable data upon  
25 or within said substrate."

The distinctions in the amended independent claims 21 and 26, and therefore claims dependent upon them, are patentable under Sec. 103 for the following reasons. The security concerns in both Clapper and Kim teach away from full

disclosure of data to persons other than those to whom the card is assigned or mailed. The united physical placement of both instructions and the machine readable data meant to execute the functions of the Clapper or Kim apparatus are an unsuggested combination. Synergism arises from a combination in

5 Applicant's apparatus of the combination on the same substrate of instructions and machine readable data fully disclosed in human readable data, such that third parties and multiple holders in a single institution, e.g. coworkers driving company vehicles insured by a single insurer, may share multiple photocopies of said substrate and yet all can still execute the claimed functions. Such functions  
10 are supported in Applicant's specification, p. 25, lines 23 – 25; p. 23, lines 12 – 14 and therefore do not constitute new matter. Therefore, due to their dependency on claim 21 and for the above reasons, Applicant submits that amended and renumbered claims 22, 23, 24, 26, 27 and 28 are allowable over the cited references and solicits reconsideration and allowance.

15 The Office Action rejects Claim 10 (renumbered as Claim 29) under Sec. 103(a) as being unpatentable over Clapper since Clapper teaches the transmission of Caller ID information (Clapper, para. 30). Applicant respectfully traverses the rejection under sections 102 and 103. Applicant's traverse  
20 notwithstanding, this dependent claim has been renumbered as claim 29, to more particularly point out and distinctly claim inventions in the present application.

#### **Clapper Disguises and Does Not Disclose Origin of Communication**

25 The distinctions in Claim 29 are patentable under Sec. 103 for the following reasons. Clapper's apparatus provides a system whereby the address of the actual originating communication device is disguised as the an ID preprogrammed on the apparatus (para. 28, line 5) of the custom ID service

(para. 30, line 5). This Applicant teaches a disclosure of the location of the communication device which has read the machine readable data upon or within the apparatus in claim 29, which is dependent on claims 27 and 28 and incorporates the above discussion. Compared to Clapper, Applicant's apparatus provides an unexpected result in the disclosure of the actual location rather than a disguise of same. Moreover, the caller ID function in Clapper provides no physical location such as a municipal address of the reading telecommunication device, while Applicant's Claim 29 may comprise a reverse lookup function that would reveal not merely a telephone number but the address of the device.

Therefore, applicant submits that claim 29 is allowable over the cited reference and solicits reconsideration and allowance.

The Office Action rejects Claims 11 – 13, 15-19 under Sec. 103(a) as being unpatentable over Clapper since Clapper teaches that the user is allowed to customize the data being stored in the database as well as in the message card (Clapper, para. 26-36). Applicant respectfully traverses the rejection of claim 11 under sections 102 and 103.

Applicant's claim 11, now renumbered as claim 30 and dependent on claim 29 discussed above, provides for human readable data on the apparatus identifying at least one recipient of machine readable data transmitted when functions of the card are executed. Clapper's apparatus only identifies the message to be sent as being "printed on the card" (para. 36, line 8). Otherwise, Clapper has no teaching that data is printed upon the card.

This language distinguishes over Clapper, under Sec. 102, since Applicant's apparatus as claimed provides that more data than the message to be sent is printed on the card. Clapper does not teach the disclosure in human readable data of any intended recipients of the machine readable data.

The distinctions in Claim 30 are patentable under Sec. 103 for the following reasons. Claim 30 is indirectly dependent upon Claim 26, thus providing full disclosure of all machine readable data as human readable data. Clapper teaches away from disclosure of machine readable data or other data in the form of human readable data on the card, for purposes of security (para. 34, lines 5, 21). Moreover, Clapper provides no means nor purpose for reconfiguring human readable data on the substrate, though he does allow for reconfiguration of machine readable data in the card and in the custom ID center. It appears that Clapper's card is not designed to function for any persons other than a user who has full knowledge of the card's function and so does not need any disclosure apart from the message to be sent. For that reason, Applicant's apparatus provides a new principle of operation in that full disclosure of data permits use of a card by persons other than the holder to whom it is assigned. Therefore, applicant submits that renumbered claim 30 is allowable over the cited references and solicits reconsideration and allowance.

Applicant's claims originally numbered 12 – 13, and 15 – 20, have been cancelled in view of the coverage afforded by the remaining claims.

6. The Office Action rejects Claim 14 under Sec. 103(a) as being unpatentable over Clapper in view of Kim, as applied to Claim 13 and further in view of Berger et al. (Ref. E, 6112,986). Applicant respectfully traverses the rejection under sections 102 and 103. Applicant's traverse notwithstanding, dependent claim 14 has been amended and renumbered as claim 31, to more particularly point out and distinctly claim inventions in the present application.

The impossibility of combining Clapper and Kim, the distinctions therein under Sec. 102, and the patentability of Applicant's invention under Sec. 103, has been

discussed above and is incorporated by reference in this section in relation to Berger. Berger teaches a dog-tag size card, bearing visible indicia on a patient's chronic ailments and a magnetic tape to store machine readable data. Berger's card would have a hole for receiving a body member encircling chain,

5 presumably so the card may be worn by the card holder going to a physician for treatment. Berger's card does not bear a full disclosure in human readable data of all machine readable data on the card, but instead uses machine readable data to explain the meaning of the coded human readable indicia (Berger, col. 7, lines 37-39; col. 7, lines 41-43). Thus, the function achieved by the hole in

10 Berger's substrate results in a display of indicia but does not result in a display of human readable data that fully discloses the machine readable data.

Applicant's card, as claimed in amended claim 31 and unlike Berger, may be attached to other objects by a plurality of means that do not require a chain  
15 passing through a hole in the substrate. Such means may comprise adhesives, loop-and-hook attachments, and others. Support for this amended claim is found in Applicant's specification at p. 23, line 10 and for that reason does not constitute new matter. In that line of the specification, and in keeping with the amendment to claim 31, the phrase "pierced by an aperture and then" has been  
20 deleted in Amendment A, leaving that line to mean that the substrate with fully disclosed machine readable data may be publicly displayed by attachment of said substrate to another object in furtherance of use of the functionally descriptive material.

25 **Display of Berger's Card Does Not Disclose Data That Executes  
Transmission of Data**

This language distinguishes over Berger as seen in light of Clapper and Kim, under Sec. 102, because unlike those three references Applicant's apparatus,

when attached to another object and placed in full view of all persons in the vicinity, provides the function of fully disclosing in human readable data all machine readable data. Unlike Berger, the machine readable data on Applicant's card also executes transmission of machine readable data without the addition of  
5 information such as noted by Berger at col. 8, lines 48-53.

Those distinctions are submitted to be of patentable merit under Sec. 103 because the three cited references do not suggest the combination of a substrate attached to an object, other than a body member to be encircled by the chain, in  
10 public view with simultaneous full disclosure in human readable data of all machine readable data. The distinctions are submitted to be patentable under Sec. 103 since Clapper and Kim teach away from a full disclosure of machine readable data due to security and privacy concerns. A public disclosure of all machine readable data meant for the functions taught by Clapper and Kim would  
15 result in an inoperative combination of features, as Clapper and Kim also have features based upon the security and privacy of machine readable data. Finally, those distinctions are submitted to be of patentable merit due to the contrarian invention of a publicly disclosed substrate bearing machine readable data that also executes transmission of same data and which lacks any and all security  
20 and privacy encoding of same data. Therefore, Applicant submits that Claim 31 is allowable over the cited references and solicits reconsideration.

7. **Weiss** (5,821,983) is cited as Ref. C in the Office Action as showing other systems which use cards to transmit messages. Weiss teaches the use of a  
25 smart card to store and transmit machine readable data.

Claim 1, now renumbered as amended Claim 21, recites an apparatus comprising a substrate bearing machine readable data that directs a communication device to transmit messages to a plurality of recipients, with said

data fully disclosed in human readable data upon said substrate. This language distinguishes over Weiss under Sec. 102 because Weiss does not show any disclosure of machine readable data on the substrate, and furthermore requires passwords or PINS "to ensure the security of the data" (Weiss, col. 4, line 22; col. 5 6, line 13). Weiss's Fig. 3 and Fig. 4 require activation/verification. Fig. 2 of the substrate shows no human readable disclosure of data stored therein. The data message is "stored in the EEPROM 102 of the smart card 108" yet clearly not stored in human readable data on the surface of that substrate. Also, Weiss specifies that Fig. 1, step 48 is initiated when data message generation is  
10 required by depressing a special button (Weiss, col. 4, line 16). Nothing specifies that the destination address is in the data stored on the card. The prespecified program in the videophone, an apparatus separate from the smart card, determines both the destination and if transmission occurs. (Weiss, col. 5, line 5).

15 Thus, the smartcard taught by Weiss differs from Applicant's claims as Weiss does not disclose the machine readable data in human readable data, nor does that card serve to execute and direct the machine readable data to be sent to a specified destination.

20 Those distinctions are submitted to be of patentable merit under Sec. 103 because of the unexpected result that arises from the execution of commands upon the card without requiring further input on the card reader or other telecommunication device, and due to the contrarian invention involved in fully  
25 disclosing all machine readable data and providing none of the security as demanded by Weiss's invention. Please also see reasons cited above.

**Sato** (6,353,456 B1) is cited as Ref. D in the Office Action as showing other systems which use cards to transmit messages. Sato teaches the use of

superimposing the name of a teleconference participant upon the image of the participant. Sato teaches that participants' names would be written in OCR readable data on a card, whereupon the person operating the reading telecommunications apparatus would direct OCR data to a viewer on a different apparatus (Sato, col. 5, line 14; col. 8, line 14; col. 12, line 66). There is no machine readable data on the card to direct transmission of data to a different site (Sato, col. 7, lines 6 – 26). Only identification data of the participant is on the card Sato, Fig. 5; col. 7, line 6). No other human readable data is written on the card or discloses the machine readable data, The only information encoded in OCR code is "conference participant proper information" (Sato, col. 6, line 19). The machine readable data upon the card requires more data to be added before Sato's invention can function (Sato, col. 11, lines 4-9). Only a separate printout, on substrates separate from the one bearing machine readable data, would disclose data that is upon the card. (Sato, col. 11, line 50).

The language of Applicant's submission, as claimed, is distinguished over Sato under Sec. 102 because Sato does not show that the substrate bearing machine readable data has upon it a full disclosure of all data in the form of human readable data. Applicant shows a card that can execute the functions of communicating data thereupon to the intended recipient without input of additional data as to the destination, and the machine readable data in Applicant's apparatus is not necessarily identification of the card holder.

Those distinctions are submitted to be of patentable merit under Sec. 103 because of the unexpected result of allowing the machine readable data on the card to direct transmission of data rather than requiring an operator, and due to the unsuggested modification of adding human readable data that fully discloses the machine readable data. Please also see reasons cited above on why Applicant's apparatus is distinguished under Sec. 102 and Sec. 103.



**Yacoob** (6,170,742 B1) is cited as Ref. E in the Office Action as showing a system which uses smart cards to store warranty/insurance information. Yacoob teaches the use of a smart card to record repairs and warranties regarding  
5 machinery, in order to act as a reference for maintenance personnel (Yacoob, col. 8, line 31). The smart card is chosen due to its greater data capacity compared to other cards (Yacoob, col. 6, line 38) and the data stored therein can be printed on a separate substrate (Yacoob, col. 3, line 7), but there is no disclosure on the same substrate that contains the memory and circuitry.  
10 Moreover, a variety of security levels show the functions of Yacoob's smart card could not operate if data were disclosed on the same substrate in human readable data (Yacoob, Fig. 5; col. 15, line 10; col. 17, line 7; Fig. 6 and col. 9, line 32). Recording data on a card also requires a password (Yacoob, col. 17, line 24). The card does not execute transmission of data by use of the machine  
15 readable data recorded thereupon, and is only a passive record of events based on Fig. 6 through Fig. 11.

The language of Applicant's submission, as claimed, is distinguished over Yacoob, under Sec. 102, because Yacoob does not show that the substrate  
20 bearing machine readable data has upon it a full disclosure of all machine readable data in human readable data. Unlike Applicant's submission, Yacoob's card is a passive record and the machine readable data does not execute transmission to a specific destination. Yacoob's card requires encoded passwords to function while Applicant's submission as claimed requires no  
25 passwords for any person to read all machine readable data shown in human readable data thereupon.

Those distinctions are submitted to be of patentable merit under Sec. 103 because of the unexpected result of allowing the machine readable data on the

card directing transmission of data rather than requiring a CPU to do so, and due to the unsuggested modification of adding human readable data that fully discloses the machine readable data. Please also see other reasons cited above on why Applicant's apparatus is distinguished and patentable under Sec. 102 and  
5 Sec. 103.

Therefore, applicant submits that claims 21 - 31 are allowable over the cited references and solicits reconsideration and allowance.

## 10 **Conclusion**

For all the reasons given above, Applicant respectfully submits that

- The items objected to, in the specification, are corrected;
- 15 • The claims define over prior art under Sec. 102 as the apparatus claimed at least bears upon it a full disclosure, in human readable data, of all machine readable data therein or thereupon, and that said machine readable data specifies destination for said data as well as serving to execute transmission  
20 of said data;
- And the claimed distinctions are of patentable merit under Sec. 103 because of the unexpected results provided, said results comprising the simple step of entering upon a telecommunication device machine readable data that alone  
25 suffices to transmit at least a portion of said data to a destination specified in the machine readable data in the apparatus, with that simple step acting as a new and unobvious method of transmitting a message to a recipient, and allowing multiple persons to make as easy use of said apparatus as the person to whom it was assigned, as contrary to all current trends the full

disclosure of machine readable data functions to remove any encryption or  
disguise of said data.

Accordingly, Applicant submits this application is now in full condition for  
5 allowance, which action Applicant respectfully solicits.

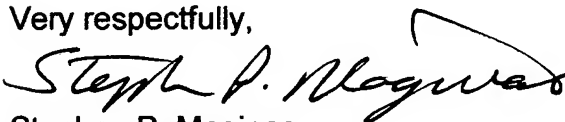
**Conditional Request for Constructive Assistance**

If the Examiner agrees but does not feel that the present claims are technically  
10 adequate, Applicant respectfully requests that the Examiner write acceptable  
claims pursuant to MPEP 707.07(j). If the Examiner does not agree that this  
application is in full condition for allowance, Applicant respectfully solicits any  
suggestions from the Examiner which will place this Application in condition for  
acceptance.

15

Finally, this Applicant respectfully requests that, if the Examiner believes that  
Applicant did not clearly address the reasons for the rejections in the First Office  
Action, a telephone interview be arranged so that failure to address any issues  
can be resolved. Applicant respectfully requests that the Examiner contact the  
20 Applicant at the below telephone numbers in the event Examiner believes such  
an interview would help further allowance of this application.

Very respectfully,



25

Stephen P. Maginas

3404 25<sup>th</sup> Street

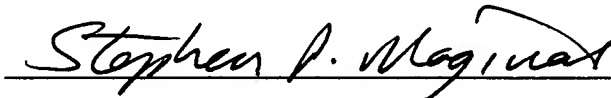
Rock Island, IL 61201

309-794-6570 309 732 0322 work #

Cell: 309-235-9616

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5 ASSISTANT COMMISSIONER FOR PATENTS, P. O. BOX 1450, ALEXANDRIA,  
VA, 22313-1450."

2004 April 5



Stephen P. Maginas, Applicant

**In the United States Patent and Trademark Office**

Appn. Number: 10/092,074

5 Appn. Filed: 03/06/2002

Applicant: Stephen P. Maginas

Title: Device and Method for Repetitive Communication of  
Messages

Examiner: Stella L. Woo

10 Art Unit: 2643

**Amendment A, Appendix**

Mailed: 2004 April 5, Monday

At: Rock Island, Illinois

15

Assistant Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

20 Madam or Sir:

In response to the Office Action mailed 2004 January 16, and pursuant to Rule  
121, the following is a copy of all the lines amended by the attached Amendment  
A, with all changes indicated by bracketing deletions and underlining additions:

25

Page 3, line 11:

5/26/1970); and 4,817,13[6] 5 ([R. M. Rhoads] J. J. Winebaum, 3/28/1989).

However, those inventions

Page 4, line 14:

6,144,848 (J. F. Walsh, 11/7/2000); and 6,230,790 B1 (J. F. Walsh, 5/15/2001).

5 In those

Page 4, lines 24 - 25:

asterisks or quotation marks; see [HTML file entitled] "Bar Code Mechanics"  
10 [available at [www.snx.com/faq/html](http://www.snx.com/faq/html)], 1/28/2002. Magnetic ink character  
recognition (MICR)

Page 5, line 2:

15 Introduction to MICR Technology" [available at [www.mydataflo.com/wt\\_s6.asp](http://www.mydataflo.com/wt_s6.asp)],

Page 7, line 5:

Sakakibara, 2/13/1990). Patent 4,817,135 ([R. M. Rhoads] J. J. Winebaum,  
20 3/28/1989) teaches use of

Page 7, line 26:

Serbetcioglu, 2/17/1998); 6,064,990 ([P. J. Gosney] K. S. Goldsmith,  
25 1/11/2000); 6,067,529 (D. Ray,

Page 9, line 13:

such as provision of funds or access to a [cite] site on the terms chosen by the card holder.

Page 10, line 26 – Page 11, line 1:

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Enterprise Needs", [available at  
[www.cisco.com/warp/public...s\\_fea\\_how\\_001/article\\_prt.html](http://www.cisco.com/warp/public...s_fea_how_001/article_prt.html), 3/16/2001]. The

Page 14, line 13:

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transmit the message or messages, [in] the encoded machine readable content  
of which

Page 16, lines 6 - 7:

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Tech's Guide to Magnetic Encoding on Cards", [available at [www.idt-net.com/magnetic/index/cfm](http://www.idt-net.com/magnetic/index/cfm)], January 22, 2002.

Page 23, line 10:

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Message Card may be [pierced by an aperture and then] suspended in full public  
view,